

REMARKS

Applicants respectfully request reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks. No additional fee is required for this Amendment as the number of independent claims has not changed, and the total number of claims has not changed. Should any fee be required, the Commissioner is authorized to charge Deposit Account 19-3550 for any such fee.

Amendment to the Claims

Claim 14 has been amended to depend from Claim 12 instead of canceled Claim 13. Claim 32 has been amended to provide antecedent basis for the claim limitation noted in the Office Action. No new matter has been added to the claims by this Amendment.

This Amendment can be entered after final as only informalities are addressed, and it places the claims in better condition for appeal.

Claim Rejections - 35 U.S.C. §112

The rejections of Claims 14-16 and 32-33 under 35 U.S.C. §112, are moot in view of the above Amendment.

Claim Rejections - 35 U.S.C. §102

The rejection of Claims 8, 9, 21, 22, 30, 34, and 35 under 35 U.S.C. §102(b) as anticipated by Ramsey, III et al., U.S. Patent 5,170,795, is respectfully traversed.

Ramsey, III et al.

As an initial comment, the final Office Action notes that Ramsey, III et al. was cited by Applicant. Ramsey, III et al. was cited in the International Search Report as an “A” document, namely a document defining the general state of the art which is not considered to be of particular relevance. Applicant respectfully asserts that Ramsey, III et al. does not provide all claim limitations, particularly Ramsey, III et al. does not disclose testing with an evaluating device of the sphygmomanometer for hemodynamic stability of the patient as detailed in Claim 35, and/or the evaluating device determining and indicating whether the blood pressure value was obtained during the hemodynamic stability, or whether a corrected blood value is to be determined.

The Rejection is Incomplete and Insufficient

At page 3, the final Office Action details how Ramsey, III et al. discloses the invention of Claim 35. However, the final Office Action does not

provide any citation or explanation on how Ramsey, III et al. teaches or suggests the limitation:

the evaluating device determining and indicating whether the blood pressure value was obtained during the hemodynamic stability, or whether a corrected blood value is to be determined;

At page 3, each limitation of Claim 35 is repeated, separated by a semicolon. The above limitation at page 3 does not include any citation or explanation as to how Ramsey, III et al. allegedly provides this claim limitation. Applicant is not able to properly respond to the final Office Action, as Applicant does not understand how the Examiner is interpreting Claim 35.

Furthermore, Applicant has not been able to infer the basis for this limitation from the remainder of the rejection. The step of “testing with an evaluating device of the sphygmomanometer for hemodynamic stability of the patient ...” is merely rejected in view of Ramsey, III et al.’s removing aberrations from the blood pressure measurements. The explanation of how Ramsey, III et al. provides the last clause of Claim 35 is a mere reference to figures.

The final Office Action does not explain how Ramsey, III et al. provides for the above limitation, and thus the rejection is insufficient and should be withdrawn. At a minimum, the final Office Action should be withdrawn and reissued

with a proper explanation that allows Applicant to determine whether further amendment or an appeal is warranted.

Ramsey, III et al. does not disclose or suggest an evaluating device determining and indicating whether the blood pressure value was obtained during the hemodynamic stability, or whether a corrected blood value is to be determined, and thus does not anticipate Claim 35. Ramsey, III et al. discloses a method for collecting a blood pressure measurement that removes singular pulse deviations as aberrations. This is unrelated to, and does not provide, Applicant's claimed invention which recites steps of testing for, and determining whether a blood pressure value was obtained during, hemodynamic stability. For at least these reasons, Ramsey, III et al. does not anticipate Claims 8, 9, 21, 22, 30, 34, and 35.

Claim Rejections - 35 U.S.C. §103

The rejection of Claims 2-4 under 35 U.S.C. §103(a) as being unpatentable over Ramsey, III et al., in view of Ramsey, III et al., U.S. Patent 4,349,034, is respectfully traversed. Ramsey, III et al. is discussed above. The '034 Patent does not overcome the deficiencies of Ramsey, III et al. discussed above.

The rejection of Claims 6, 7, 10, and 28 under 35 U.S.C. §103(a) as being unpatentable over Ramsey, III et al., in view of Diab, U.S. Patent 6,463,311, is respectfully traversed. Ramsey, III et al. is discussed above. Diab does not overcome the deficiencies of Ramsey, III et al. discussed above.

The rejection of Claims 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over Ramsey, III et al., in view of Diab, and further in view of Goto et al., U.S. Patent Application Publication 2003/0092999, is respectfully traversed. Ramsey, III et al. is discussed above. Diab and Goto et al. do not overcome the deficiencies of Ramsey, III et al. discussed above.

The rejection of Claims 14-16, 32, and 33 under 35 U.S.C. §103(a) as being unpatentable over Ramsey, III et al., in view of Doten et al., U.S. Patent Application Publication 2002/0058875, is respectfully traversed. Ramsey, III et al. is discussed above. Doten et al. does not overcome the deficiencies of Ramsey, III et al. discussed above.

The rejection of Claims 17 and 29 under 35 U.S.C. §103(a) as being unpatentable over Ramsey, III et al., in view of Goto et al., is respectfully traversed.

D No.: 10/572,997

Ramsey, III et al. is discussed above. Goto et al. does not overcome the deficiencies of Ramsey, III et al. discussed above.

The rejection of Claims 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over Ramsey, III et al., in view of Goto et al. and Doten et al., is respectfully traversed. Ramsey, III et al. is discussed above. Goto et al. and/or Doten et al. do not overcome the deficiencies of Ramsey, III et al. discussed above.

Conclusion

Applicant intends to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicant has not addressed or resolved in this response, the undersigned attorney requests a further telephone interview with the Examiner.

Applicant sincerely believes that this Patent Application is now in condition for allowance and, thus, respectfully requests early allowance.

Respectfully submitted,



Mark D. Swanson
Regis. No. 48,498

Pauley Petersen & Erickson
2800 West Higgins Road, Suite 365
Hoffman Estates, Illinois 60169
(847) 490-1400 FAX (847) 490-1403